



NATIONAL MEDIATION BOARD
WASHINGTON, DC 20572

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<p>In the Matter of the Application of the</p> <p>CARMEN PINCKNEY</p> <p>alleging a representation dispute pursuant to Section 2, Ninth, of the Railway Labor Act, as amended</p> <p>involving employees of</p> <p>NORTHWEST AIRLINES, INC.</p>	<p>30 NMB No. 9</p> <p>CASE NO. R-6917 (File No. CR-6764)</p> <p>FINDINGS UPON INVESTIGATION- DISMISSAL</p> <p>October 31, 2002</p>
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This determination addresses the application of Carmen Pinckney (Pinckney or Applicant), an individual, alleging a representation dispute pursuant to the Railway Labor Act (RLA), 45 U.S.C. § 152, Ninth (Section 2, Ninth), among “Quality Service Assistants” (QSAs), employees of Northwest Airlines, Inc. (Northwest or Carrier). The International Association of Machinists and Aerospace Workers (IAM or Organization) is the certified representative of the Office Clerical, Fleet and Passenger Service Employees (NMB Case No. R-6732). QSAs are included in the Office Clerical, Fleet and Passenger Service Employees craft or class. Pinckney asserts that the QSAs constitute a separate craft or class.

For reasons set forth below, the National Mediation Board (Board) concludes that the QSAs are part of the Office Clerical, Fleet and Passenger Service Employees craft or class and covered by the IAM’s certification. Therefore, the Board dismisses the application.

PROCEDURAL HISTORY

On August 12, 2002, Pinckney filed an application alleging a representation dispute among Northwest's QSAs. The Board assigned Susanna F. Pequignot as the Investigator.

On August 19, 2002, Pinckney submitted an initial position statement. On August 22, 2002, the IAM requested an extension of time in which to file a position statement. The Investigator granted the extension until September 6, 2002. Pinckney filed an additional position statement on September 3, 2002. The IAM filed a position statement on September 6, 2002.

ISSUE

Are QSAs at Northwest a separate craft or class or are they part of the Office Clerical, Fleet and Passenger Service Employees craft or class?

CONTENTIONS

Pinckney

Pinckney states that QSAs are a distinct group of employees whose primary responsibility is to assist passengers with special needs, including escorting unaccompanied minors, VIPs and passengers with disabilities. The Applicant asserts that QSAs have very few customer service responsibilities and have different compensation and benefits than Customer Service Agents (CSAs). Therefore, Pinckney argues, QSAs do not share a community of interest with CSAs. Pinckney also argues that QSAs perform very few of the principal responsibilities of Passenger Service Agents outlined in *United Airlines, Inc.*, 6 NMB 180 (1977). In fact, the Applicant states, the only passenger service responsibility QSAs perform is directing people to the appropriate check-in counters.

Pinckney states that "there were a number of very troubling events leading up to the Board's original decision" finding QSAs

to be part of the Office Clerical, Fleet and Passenger Service Employees craft or class. *Northwest Airlines, Inc.*, 27 NMB 307 (2000). Pinckney argues that the Board's investigation was "at best, cursory."¹ After QSAs were included in the Office Clerical Fleet and Passenger Service Employees craft or class, the Applicant argues that although the IAM promised to include the QSAs in contract negotiations, they did not. In fact, Pinckney argues, the QSAs were better off when they were unrepresented.²

IAM

The IAM asserts that QSAs do not constitute a separate craft or class but are included in the Office Clerical, Fleet and Passenger Service Employees craft or class pursuant to NMB Case No. R-6732. The IAM argues that Pinckney raises the same issues in this case that the Board rejected in *Northwest Airlines, Inc.*, 27 NMB 307 (2000), where the Board found QSAs to be part of the Office Clerical, Fleet and Passenger Service Employees craft or class. Furthermore, the Organization states that QSAs' job duties and responsibilities have not changed since the Board's decision in *Northwest, above*.

The IAM argues that Pinckney's reliance on *United Airlines, above*, is misplaced since the customer service responsibilities listed in that case were not meant to be exhaustive. Furthermore, the IAM argues, the Board has found that employees providing

¹ The Board will only address the issue in this case, i.e. whether QSAs at Northwest are a separate craft or class or part of the Office Clerical, Fleet and Passenger Service Employees craft or class.

² The Applicant contends that the IAM has not provided the QSAs with effective representation. The Board does not consider allegations of ineffective representation in its craft or class determinations.

special assistance to passengers are part of the passenger service craft or class.

The Organization requests that the Board dismiss this case.

Northwest

The Carrier stated that the QSAs are part of the Office Clerical, Fleet and Passenger Service Employees craft or class pursuant to R-6732.

FINDINGS OF LAW

Determination of the issues in this case is governed by the RLA, as amended, 45 U.S.C. § 151, et seq. Accordingly, the Board finds as follows:

I.

Northwest is a common carrier by air as defined in 45 U.S.C. § 181.

II.

Pinckney and the IAM are labor organizations and/or representatives as provided by 45 U.S.C. § 151, Sixth, and § 152, Ninth.

III.

45 U.S.C. § 152, Fourth, gives employees subject to its provisions “the right to organize and bargain collectively through representatives of their own choosing. The majority of any craft or class of employees shall have the right to determine who shall be the representative of the craft or class for purposes of this chapter.”

IV.

45 U.S.C. § 152, Ninth, provides that the Board has the duty to investigate representation disputes and shall designate who may participate as eligible voters in the event an election is required.

STATEMENT OF FACTS

I.

In 1987, the Board certified the IAM as the representative of Northwest's Office Clerical, Fleet and Passenger Service Employees. *Northwest Airlines, Inc.*, 14 NMB 259 (1987). In 2000, the Board found QSAs were included in the Office Clerical, Fleet and Passenger Service Employees craft or class. *Northwest Airlines, Inc.*, 27 NMB 307 (2000).

II.

QSAs' primary responsibility is to assist passengers with special needs, including escorting unaccompanied minors, VIPs and passengers with disabilities. QSAs also direct customers to the appropriate ticket counters.

DISCUSSION

The Board makes craft or class determinations based on a work-related community of interest. *National Airlines, Inc.*, 27 NMB 550 (2000); *American Airlines, Inc.*, 26 NMB 106 (1998); *LSG Lufthansa Servs., Inc.*, 25 NMB 96 (1997). In determining the proper craft or class for employees, the Board is guided by the Representation Manual (Manual) Section 5.1 which states:

Individual cases require consideration of facts peculiar to particular situations, but, in addition, there are general factors to be considered. These may include, among others, the composition and relative permanency of employee groupings along

craft or class lines; the functions, duties, and responsibilities of the employees; the general nature of their work; and the extent of community of interest existing between job classifications.

The Board examines the actual duties and responsibilities of employees, not merely job titles when determining whether there is a work-related community of interest. *National Airlines, above* at 555; *American Airlines, above* at 117.

The Board has found that employees of other carriers performing work similar to Northwest's QSAs are included in this craft or class. See *Laker Airways, Ltd.*, 8 NMB 158 (1980)(employees with duties including escorting passengers through customs and assisting disabled passengers are part of the passenger service employees craft or class); *Southern Airways, Inc.*, 6 NMB 729 (1979) (passenger service representatives responsible for assisting with the handicapped, elderly and unaccompanied minors share a community of interest with fleet service employees); *Allegheny Airlines, Inc.*, 6 NMB 416 (1978) (passenger service representatives who assist handicapped, elderly and unaccompanied minors share a community of interest with ticket sales and customer service agents). The Board has repeatedly stated that "The essence of passenger service is 'customer contact.'" See *Northwest Airlines, Inc.*, 27 NMB 307 (2000); *American Airlines, above*; *USAir, Inc.*, 21 NMB 402 (1994); *China Airlines, Ltd.*, 6 NMB 434 (1978).

In *Northwest Airlines, Inc.*, 27 NMB 307 (2000), the Board found that QSAs' duties were "exclusively passenger service," and, therefore, QSAs were included in the Office Clerical, Fleet and Passenger Service Employees craft or class. The Board's policy is to adhere to previous craft or class determinations in the absence of any material change in circumstances. Manual Section 5.1 states, in part, "[p]rior decisions of the Board in regard to craft or class on the same carrier shall be binding upon the Investigator." The Applicant failed to produce evidence of a change in circumstances that would justify separating QSAs from the Office

Clerical, Fleet and Passenger Service Employees craft or class. Therefore, the QSAs are not a separate craft or class.

CONCLUSION

The Board finds that Pinckney's application for Quality Service Assistants is not for a proper craft or class. Therefore, NMB File No. CR-6764 is converted to NMB Case No. R-6917 and dismissed.

By direction of the NATIONAL MEDIATION BOARD.

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